



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**  
**999 18<sup>TH</sup> STREET - SUITE 300**  
**DENVER, CO 80202-2466**  
**Phone 800-227-8917**  
**<http://www.epa.gov/region08>**

**September 5, 2003**

Ref: 8ENF-T

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Larry Lancaster, Utilities Commissioner  
Afton Board of Public Utilities  
Box 310  
Afton, WY 83110

RE: Emergency Administrative  
Order under Section 1431 SDWA  
Docket No. **SDWA-08-2003-0049**  
PWS ID #5600002

Dear Mr. Lancaster:

Enclosed is an Emergency Administrative Order ("Order") issued by the U.S. Environmental Protection Agency ("EPA") under section 1431 of the Safe Drinking Water Act ("Act"), 42 U.S.C. § 300i. September 1 through 3, 2003, the Afton public water supply system tested positive for E. coli coliform. Based on these sampling results, the contaminant present in the water system may pose an imminent and substantial health endangerment to persons served by the system.

Pursuant to its authority set forth at section § 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions necessary to protect human health. Notwithstanding the initial efforts taken by State and local officials, this Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Safe Drinking Water Act in the State of Wyoming.

The enclosed Order sets forth the compliance actions that the Afton Board of Public Utilities ("Public Utilities") must take to ensure that the people served by the water supply are provided with safe drinking water. The Order includes, and incorporates by reference, compliance with the State boil order dated September 3, 2003. Additionally, the Order requires, in part, that the system

provide continuous disinfection until further notice by EPA, take a minimum of two microscopic particulate analysis samples, ensure that the disinfection equipment is operational and adequate to treat capacity, and prepare a report detailing the known or suspected cause of the contamination and providing a plan for prevention. Public Utilities must take the required actions in accordance with the timeframes specified. The penalties for failing to comply are set forth in the Order.

EPA is committed to working with Public Utilities, the Town of Afton, Lincoln County and the State of Wyoming to ensure the safety of the system's water supply. If you have any questions or wish to discuss this Order, please contact Olive Hofstader at (800) 227-8917 X6467.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: Mayor Chad V. Jensen, Town of Afton  
Dr. Donald Kirk, Lincoln County Health Officer  
Kate Resig, Lincoln County Public Health Afton Supervisor  
Larry Robinson, Wyoming Department of Environmental Quality  
Dr. Karl Musgrave, Wyoming Department of Health  
Lisa Hokanson, Town Clerk



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CERTIFIED MAIL

RETURN RECEIPT REQUESTED

T. Deb Wolfley, Chair  
Lincoln County Commissioners  
925 Sage Avenue  
Kemmerer, Wyoming 83101

Re: Emergency Administrative Order  
under Section 1431 SDWA Docket  
No. **SDWA-08-2003-0049**

Dear Ms. Wolfley:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Emergency Administrative Order is being issued under Section 1431 of the SDWA to the Afton Board of Public Utilities in Afton, Wyoming. The Order is based on several E. coli positive samples from the Afton public water system during September 1 through 3, 2003. Based on these sampling results, the contaminant present in the water system may pose an imminent and substantial health endangerment to persons served by the system.



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A copy of this Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Olive Hofstader at (800) 227-8917 X6467.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
And Environmental Justice

Enclosure



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IN THE MATTER OF )  
 )  
Afton Board of Public Utilities )  
Afton, Wyoming 83110 )  
PWS ID # 5600002 )  
 )  
 )  
 )  
Respondent ) EMERGENCY  
 ) ADMINISTRATIVE ORDER  
Proceedings under Section 1431 )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300i ) Docket No. **SDWA-08-2003-0049**  
 )

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

A. EPA has jurisdiction to issue emergency orders pursuant to the emergency powers provision of the Act, Section 1431 of the Act, 42 U.S.C. § 300i.

B. EPA has primary enforcement responsibility for the Act in



the State of Wyoming.

### **III. FINDINGS**

- A. The Afton Board of Public Utilities (Afton BPU) (Respondent) is a municipal public utility and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
- B. Respondent owns and/or operates the Afton BPU Water System located in Lincoln County, Wyoming, for the provision to the public of piped water for human consumption.
- C. The Afton BPU Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system " within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
- D. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40



C.F.R. Part 141.

- E. According to a July 26, 2001, sanitary survey conducted by an agent of EPA, Respondent operates a system that is supplied by a groundwater source consisting of two wells and three springs. The system serves an average of 1818 persons daily through 902 service connections.
- F. EPA has determined that the water source currently available to the System may present an imminent and substantial endangerment to the health of persons based on approximately three E.coli positive water quality monitoring samples collected by the Respondent on September 1, 2003. Four repeat samples taken on September 2, 2003 also tested positive for E.coli. One tap tested E. coli positive on September 3, 2003.
- G. The Mayor of Afton issued a voluntary boil advisory on or about September 2, 2003.
- H. The Wyoming Department of Health issued a boil order on or about September 3, 2003 (See Attachment A).
- I. Notwithstanding the initial efforts taken by local and State officials, this Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement



responsibility for the Act in Wyoming.

- J. By issuing this Order, EPA supports and seeks to continue the initial efforts to protect public health by State and local officials.

#### **IV. ORDER**

Based on the foregoing Findings, and pursuant to Section 1431 of the Act, IT IS ORDERED:

##### **A. BOIL ORDER**

Respondent shall fully comply with the criteria set forth in the State's Boil Order dated September 3, 2003, prior to lifting the Boil Order.

##### **B. COMPLIANCE MEASURES**

1. Upon receipt of this Order, Respondent shall institute continuous chlorination of all Spring water so as to continually maintain a disinfection chlorine residual of a least 0.2 milligrams per liter (mg/l) free chlorine throughout the distribution system until notified in writing by EPA that chlorination is no longer required.<sup>1</sup>

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<sup>1</sup> EPA will reconsider the continuous chlorination requirement following receipt and review of the cause and prevention report requested in subparagraph IV.B.5 and 6, and upon consultation with the system and the State of Wyoming.



2. Respondent shall monitor and record chlorine residual daily at locations within the distribution system to ensure at least a 0.2 mg/l chlorine residual and submit its results monthly to EPA in accordance with paragraph E.4 below.
3. Immediately upon receipt of this Order, Respondent shall begin upgrade, repair and/or replacement of disinfection equipment to have equipment fully operational, with capacity to adequately treat the volume of water from each source. Equipment upgrade, repair and/or replacement must be completed within 30 days of this Order.
4. Respondent must certify in writing to EPA that all disinfection equipment is operational and adequate to treat full capacity of each source within 30 days of this Order.
5. Within 30 days of this Order, Respondent shall investigate and report to EPA the known or suspected cause of contamination in the drinking water system.
6. In the same report as required under the preceding paragraph, Respondent shall submit detailed plans to



EPA and WDEQ for bringing Respondent's public water system into compliance with the bacteriological MCL at 40 C.F.R. § 141.63. The plan shall describe efforts the Respondent will take to prevent recurrence of a contamination event, and how Respondent will respond to a contamination event in the future. The following information should be addressed in the report:

- a. Proposed system modifications;
- b. Estimated costs of modifications;  
and
- c. A schedule for construction of the project. The schedule shall include specific milestone dates and a final compliance date. The plans must be approved by WDEQ and EPA before construction can commence.

- 7. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA and WDEQ.

**C. MONITORING REQUIREMENTS**

- 1. Respondent shall conduct bacteriological monitoring



as follows after meeting the criteria to lift the Boil Order issued by the State, hereby referenced and incorporated herein as Attachment A:

- a. Respondent shall take weekly bacteriological samples to determine compliance with the maximum contaminant levels ("MCLs") for total coliform bacteria as stated in 40 C.F.R. § 141.63, until EPA notifies Respondent that they are no longer required. Respondent shall report analytical results, via phone or fax, to EPA immediately upon receiving the results.
- b. Following eight consecutive safe weekly bacteriological results, EPA will notify Respondent in writing that weekly bacteriological sampling is no longer required.
- c. Thereafter, Respondent shall comply with all bacteriological monitoring



requirements for community water systems found at 40 C.F.R. § 141.21 to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63.

2. Respondent shall report all bacteriological analytical results to EPA within 10 days of the end of each monitoring period, as required by 40 C.F.R. § 141.31(a), or sooner if specified under B.1.a.

**D. MICROSCOPIC PARTICULATE ANALYSIS SAMPLING**

Respondent shall take a minimum of two Microscopic Particulate Analysis (MPA) samples at the intermittent spring within one year of the date of this Order.

**E. PUBLIC NOTICE**

1. No later than 24 hours of receipt of this Order, Respondent shall provide public notice of the violations specified in this Order in the affected area. This public notice shall be given in one or more of the following forms of delivery: (1) Appropriate broadcast media (such as radio and television); (2) Posting of the notice in conspicuous locations throughout the area served by



the water system, including, but not limited to, posting over every faucet at the water system; (3) Hand delivery of the notice to persons served by the water system; or (4) Another delivery method approved in writing by EPA. The notice shall be repeated at least once every 3 months by mail, hand delivery or posting as long as the violation exists. Respondent shall comply with any additional public notification requirements that may be established by EPA. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). The public notice shall include the following information:

- a. All requirements as specified in 40 C.F.R. § 141.205 including:
  - i. A description of the violation, including contaminant of concern, and



- the contaminant level;
- ii. When the violation or situation occurred;
- iii. Any potential adverse health effects from the violation or situation;
- iv. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
- v. Whether alternative water supplies should be used;
- vi. What actions consumers should take, including when they should seek medical help, if known;
- v. What the system is doing to correct the violation or situation;
- vi. When the water system expects to return to compliance or



resolve the situation;

vii. The name, business address,  
and phone number of the water  
system owner, operator, or  
designee of the public water  
system as a source of  
additional information  
concerning the notice; and

viii. A statement to encourage the notice  
recipients to distribute the public  
notice to other persons served.

b. Respondent shall include the  
following mandatory health effects  
language in the public notice as  
specified in 40 C.F.R. §  
141.205(d) (1), Appendix B to  
Subpart Q of Part 141:

Coliforms are bacteria that are  
naturally present in the  
environment and are used as an  
indicator that other, potentially-  
harmful, bacteria may be present.  
Coliforms were found in more  
samples than allowed and this was a  
warning of potential problems.

Fecal coliforms and E. Coli are



bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., SHALL BE BOILED FOR AT LEAST FIVE MINUTES, AT A ROLLING BOIL, BEFORE USE. ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.



**F. REPORTING REQUIREMENTS**

1. Unless otherwise specified, all reports and notifications herein required shall be submitted to:

Olive Hofstader  
US Environmental Protection Agency  
Technical Enforcement Program (8ENF-T)  
999 18<sup>th</sup> Street Suite 300  
Denver, Colorado 80202-2466  
Telephone (800)227-8917 X 6467 or (303) 312-6467

**V. GENERAL PROVISIONS**

- A. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
- B. Violation of any term of this Order instituted under Section 1431(a) of the Act, 42 U.S.C. § 300i(a), may subject the Respondent to a civil penalty of not to exceed \$15,000 for each day in which such violation occurs or failure to comply continues, assessed by an appropriate U.S. District Court under Section 1431(b) of the Act, 42 U.S.C. § 300i(b).
- C. Violation of any requirement of the SDWA or its



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implementing regulations instituted under Section 1414(b), 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

- D. The effective date of this Order shall be the date of issuance.

Issued this 5TH day of September, 2003.

**SIGNED**

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Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

**David J. Janik**

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Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

**IF YOU WOULD LIKE COPIES OF THE ENCLOSURES, PLEASE CONTACT THE  
REGIONAL HEARING CLERK.**

**THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON SEPTEMBER 5, 2003.**



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